

The Honorable ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DARREL KING,
Plaintiff,

v.

**M/V Dynasty, her tackles, appurtenances, cargo, IN
REM, and her owner and operators, AMERICAN
SEAFOODS CO., IN PERSONAM,
Defendants.**

No. 09-792 RSL

**RESPONSE TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
CLAIMS**

CLERK'S ACTION REQUIRED

To: CLERK OF THE ABOVE NAMED COURT

THE ABOVE NAMED DEFENDANTS, by way of their Attorney,

ANTHONY J. GASPICH

The Plaintiff, DARREL KING, respectfully submits his response regarding the Defendant's Motion to Dismiss Plaintiff Claims based on allegations of failing to comply with discovery.

Plaintiff maintains that these allegations are false. Initial disclosures were filed with the court's ECF system on February 25th, 2010 pursuant to Court Order of February 25th, 2010.

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DEFENDANT'S
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HORTON SMITH, Lawyer
WSBA# 9699
3010-First Ave
Seattle, Washington 98121
(206) 770-9100

Exhibit #1 are the disclosures that were submitted in a timely fashion, pursuant to the Court's prior order of February 25th, 2010 and by the Clerk of the Court to the Defendant's Attorney on February 26th, 2010.

All documents referred to were/are in the possession of the Defendant's Attorney. No sanctions should be imposed, and 3 hours were spent by Plaintiff's counsel responding to the material of the defense and as such should be rewarded for their time at their standard rate of \$300/hour (amounting to \$900.00).

To dismiss the Plaintiff's case would be an abuse of powers and surely be prejudice against an injured seaman who has substantial damages under the Jones Act, Title 46 U.S.C.

Dated this 1st day of April, 2010.

Horton Smith
WSBA# 9699

Certificate of Service

I hereby state that on 04/01/2010, I electronically filed the foregoing with the Clerk of the Court using Electronic Case Filing system; which will send notification to the following:
ANTHONY J. GASPITCH

Horton Smith
3010 First Ave
Seattle, Washington
98121

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